IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10675 of 2004

Between:

Smt. Mala, W/o. Gopal Reddy,
H.No. 5-11-81/14, Behind Hotel Kapila, Pragathi Nagar,

Nizamabad District.

..... PETITIONER

AND

1 The District Consumer Forum, Warangal, Warangal District.
2 Gatla Sudhakar S/o. Narsimham,
R/o. H.No. 24-1-173, Fathimanagar, Kazipet, Warangal,

Warangal District.
3 M/s. Sidhartha Chit Funds, rep. by its Manager,
H.No. 15-2-19, rep. S.V.P. Road, Warangal, Warangal District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus i) declaring the order of the respondent No.1 in proceeding with P.P.No. 11 of 2004 in C.D.No. 171 of 1998 as arbitrary, illegal, violative of Articles 14, 21 of the Constitution of India and consequently set aside the proceedings in P.P.No.11 of 2004 in C.D.No. 171 of 1998 on the file of the District Consumer Forum, Warangal.

For the Petitioner: Mr. A.SUDARSHAN REDDY, Advocate.

For Respondent No.2: Mr. Sivaraju Srinivas, Advocate.

For Respondents 1 and 3: ----------

The Court at the admission stage made the following Order: (Per BRSR, J.)

We have heard the learned counsel for the petitioner and as well as the learned counsel for the respondents.

The gravamen of the complaint in the instant writ petition relates to the action of the 1st respondent-Forum in proceeding with the P.P No. 11 of 2004 in C.D No. 171 of 1998. That according to the petitioner the Forum cannot be permitted to take any coercive measures against the petitioner even while the application filed by her for setting aside the ex parte order is pending consideration.

It is brought to our notice that the petitioner filed I.A No. 184 of 2004 seeking condonation of delay in filing the petition under Order IX Rule 9 of C.P.C to restore I.A No. 188 of 2003 which itself has been filed with a prayer to set aside the exparte order passed by the Consumer Forum. The fact remains that the said application is pending consideration on the file of the 1st respondent-Forum.

Interest of justice would be met by directing the Forum not to proceed further with P.P No. 11 of 2004 in C.D No. 171 of 1998 until the disposal of the application filed by the petitioner herein referred to hereinabove subject to the condition of petitioner depositing a sum of Rs. 50,000/- in the 1st respondent-Forum within two weeks from today, failing of which it shall be open to the Forum to proceed with the hearing of P.P No. 11 of 2004 in C.D No. 171 of 1998 and pass appropriate orders in accordance with law.

The Forum is directed to dispose of the application filed by the petitioner in accordance with law on its own merits, within a period of six weeks from the date of receipt of a copy of this order, for which purpose an adequate opportunity shall be given to both the parties.

The writ petition is accordingly disposed of. No order as to costs.

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B. Sudershan Reddy, J

_____

K.C. Bhanu, J

6th August, 2004

grr

Note:

Despatch copy of the order by today.

B/O

Grr/pv

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The District Consumer Forum, Warangal, Warangal District.
2 2 CD copies.